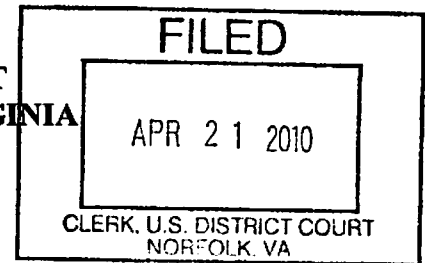


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



LORENZO BUNCH, JR., #367527,:

Petitioner,

v.

**GENE M. JOHNSON,
Director of the Virginia Department of
Corrections,**

Defendant.

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CIVIL ACTION NO. 2:09cv395

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petitioner alleges violations of federal rights pertaining to his conviction on July 21, 2006 in the Norfolk Circuit Court for possession with intent to distribute cocaine and marijuana.

The matter was referred to a United States Magistrate Judge¹ pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Federal Rules of Civil Procedure for report and recommendation. The Report of the Magistrate Judge was filed on March 24, 2010. The Report recommended dismissal of the petition because petitioner's Fourth Amendment claims were not properly reviewable following his full opportunity to litigate them in state court. The Report also found the remaining claims to be procedurally defaulted, and that petitioner had presented no basis for excusing the default. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On April

¹ The petition was originally referred by a United States District Judge to United States Magistrate Judge James E. Bradberry. As a result of Judge Bradberry's retirement, the matter was reassigned to United States Magistrate Judge Douglas E. Miller, his duly appointed successor


2, 2010, the Court received petitioner's Objections to Magistrate's Report and Recommendation (Document No. 16).

The Court, having reviewed the record and examined the objections filed by the petitioner to the Magistrate Judge's Report and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report of the United States Magistrate Judge filed March 24, 2010, and it is, therefore, ORDERED that the petition be DENIED and DISMISSED and that judgment be entered in favor of the respondent, as petitioner had a full opportunity to litigate his Fourth Amendment claim and his remaining claims are procedurally defaulted.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to the petitioner and to counsel of record for the respondent.

_____/s/ 
Jerome B. Friedman
United States District Judge

Norfolk, Virginia
April 21, 2010